

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

507R0325

HOUSE COMMERCE ENGROSSED NO. **HB 1155** - 2/22/2010

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Frerichs, Brunner, Fargen, Kirkeby, Kirschman, Peters, and Van Gerpen and Senators Novstrup (Al), Fryslie, Gant, Hanson (Gary), Kloucek, Maher, and Peterson

1 FOR AN ACT ENTITLED, An Act to require the marking of certain anemometer towers used
2 for wind energy testing purposes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. For purposes of this Act, the term, anemometer, means an instrument for
5 measuring and recording the speed of the wind. For purposes of this Act, the term, anemometer
6 tower, means a structure, including all guy wires and accessory facilities, on which an
7 anemometer is mounted for the purposes of documenting whether a site has wind resources
8 sufficient for the operation of a wind turbine generator.

9 Section 2. Any anemometer tower that is fifty feet in height above the ground or higher, that
10 is located outside the exterior boundaries of any municipality, and whose appearance is not
11 otherwise mandated by state or federal law shall be marked, painted, flagged, or otherwise
12 constructed to be recognizable in clear air during daylight hours. Any anemometer tower that
13 was erected before the effective date of this Act shall be marked as required in this section



1 within one year after the effective date of this Act. Any anemometer tower that is erected on or
2 after the effective date of this Act shall be marked as required in this section at the time it is
3 erected. Marking required under this section includes marking the anemometer tower, guy wires,
4 and accessory facilities as follows:

5 (1) The top one-third of the anemometer tower shall be painted in equal, alternating
6 bands of aviation orange and white, beginning with orange at the top of the tower and
7 ending with orange at the bottom of the marked portion of the tower;

8 (2) Two marker balls shall be attached to and evenly spaced on each of the outside guy
9 wires;

10 (3) The area surrounding each point where a guy wire is anchored to the ground shall
11 have a contrasting appearance with any surrounding vegetation. If the adjacent land
12 is grazed, the area surrounding the anchor point shall be fenced. For purposes of this
13 section, the term, area surrounding the anchor point, means an area not less than
14 sixty-four square feet whose outer boundary is at least four feet from the anchor
15 point; and

16 (4) One or more seven-foot safety sleeves shall be placed at each anchor point and shall
17 extend from the anchor point along each guy wire attached to the anchor point.

18 A violation of this section is a Class 2 misdemeanor.